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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fortieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic report of States parties due in 1990

Addendum

GHANA*

[12 June 1991]

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* The present report constitutes the tenth and eleventh periodic reports of Ghana, due on 5 January 1988 and 5 January 1990 respectively, submitted in one consolidated document.

For the eighth and ninth periodic reports submitted by the Government of Ghana and the summary records of the meetings of the Committee at which those reports were considered, see:

(8) CERD/C/118/Add.28 (CERD/C/SR.757)
(9) CERD/C/149/Add.13 (CERD/C/SR.822-823).

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PART I - GENERAL

1. The United Nations Declaration on the Elimination of All Forms of Racial Discrimination was adopted by Ghana after independence. The object of this Declaration was to avoid discrimination based on race, sex, language, colour or religion.

2. In 1957, Ghana passed the Avoidance of Discrimination Act. This Act was passed to prohibit organizations from using or engaging in tribal, regional, racial or religious propaganda to the detriment of any other community or from securing the election of persons on account of their tribal, regional or religious affiliations and for other purposes connected therewith.

3. Section 3 of the Act made it an offence for any organization whose membership was substantially restricted to any one community or religious faith to have as one of its objects the exposure of any other organization, however constituted, or any part of the community to hatred, contempt or ridicule on account of its community or religion.

4. Where an act is declared to be an offence under this Act or an organization is declared to be illegal, the offender on summary conviction is sentenced to imprisonment not exceeding three years or fined.

5. Section 6 of the Act made it an offence for any political party to use or permit to be used any symbol or name which may be identified with any particular community or religious faith.

6. Various constitutions of Ghana have stated that no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief. The Provisional National Defence Council (PNDC) has provided, in section 1(b) of the PNDC Establishment Proclamation (Supplementary and Consequential Provisions) Law, 1982 (PNDCL.42) that "respect for fundamental human rights and for the dignity of the human person are to be cultivated among all sections of the society and established as part of the basis of social justice". Section 1(d) also provides that "national integration is to be encouraged and discrimination on grounds of ethnic origin discouraged ...".

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PART II - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

7. It is an offence under the Avoidance of Discrimination Act 1957 (No. 38) for any organization whose membership is essentially limited to any community or religious faith with the object of exposing other communities to hatred and contempt, to operate in Ghana. This offence is punishable on summary conviction by fine or imprisonment. Under the same Act, the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination are made enforceable in the internal laws of the country through the courts. The courts therefore have power to impose fines or terms of imprisonment.

8. It is an offence under the Avoidance of Discrimination Act, and most recently the PNDC Law 42, to sponsor, defend or support racial discrimination by persons or organizations. The PNDC makes provision, in section 1(d) of PNDC Law 42, for national integration and the removal of all forms of discrimination on grounds of ethnic origin.

9. Various friendship associations between Ghana and other races have been formed in the country to encourage integration and eliminate barriers between races.

10. Ghana participates in various cultural programmes organized at home and abroad with other races. In the economic field, Ghana's Investment Code encourages investment in the Ghanaian economy. Foreigners are encouraged to participate in certain sectors of the national economy and so long as they operate within the laws of the country, no obstacles are placed in their path. Such areas of operation include the mining industry and oil drilling.

Article 3

11. Ghana has, since independence, been vehemently opposed to the apartheid system in South Africa. It has always considered the system as evil and inhuman and an affront to the dignity of all people of African descent. Accordingly, Ghana played a leadership role within the United Nations, the Commonwealth, the Organization of African Unity and other international fora in efforts towards the dismantling of apartheid and the establishment of a democratic non-racial society in South Africa.

12. Internally, Ghana initiated measures, in the form of administrative and executive orders, against apartheid. These included:

(a) Prohibition against travel to South Africa and the Bantustans by Ghanaians;

(b) Prohibition on trade with South Africa;

(c) Prohibition of all other official or non-official contracts with South Africa; in this connection Ghana was active in the expulsion of South Africa from the Commonwealth;

(d) No entry into Ghana by South African nationals except upon the swearing of an affidavit renouncing apartheid; and

(e) Refusal of landing and refuelling rights to South African aircraft (except in emergencies, in accordance with International Civil Aviation regulations); and

(f) Offer of scholarships, training facilities and job opportunities to black South Africans.

13. At the international level, Ghana lent its full support to the activities of the wider anti-apartheid campaign which took the form of armed struggle, internal civil disobedience, diplomatic isolation of South Africa, and the imposition of economic and other sanctions by the international community.

14. With respect to the imposition of sanctions against South Africa, Ghana has always maintained a firm stand on the issue in the conviction that comprehensive mandatory sanctions constitute the most effective non-violent means for achieving quick compliance by the South African régime with the international call for the abolition of the apartheid system.

Article 4

15. Under the Avoidance of Discrimination Act 1957 (No. 38), the dissemination of ideas based on racial discrimination as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin is an offence. This Act is a specific example of penal internal legislation designed to implement the provisions of article 4(a) and (b) of the Convention.

16. The Prohibited Organisations (Bawku District) Law, 1984 (PNDCL.98) prohibits the formation of any association or organization based on ethnic or tribal feelings or intended to arouse ethnic or tribal feelings. The courts of Ghana have the power to declare such acts or organizations perpetuating such acts illegal.

Article 5

17. All past constitutions of Ghana have stated clearly that no person, i.e. all people resident in Ghana, should be deprived of the right of access to courts. This has been continued in force by the PNDC Proclamation. In addition, everyone resident in Ghana has a right to be represented by counsel of their own choice.

18. The Ghana Police Service is entrusted with the duty of protecting the security of all persons resident in Ghana.

19. The Government of Ghana expressed in real terms the political rights of the people through the District Level Elections of November 1988 in which citizens were allowed to mount platforms and campaign for votes. According to the Local Government Law, 1988 (PNDCL.207) "no person shall be disqualified from being elected or appointed to a District Assembly by reason only of his status, position, profession, religion, creed, ethnic origin, race, occupation, traditional standing, sex or physical disability".

20. All people resident in Ghana, regardless of nationality, have a right of access without hindrance to any place or service intended for use by the general public.

Article 6

21. The Ghana Police Service is at the disposal of any person who feels the need for such protection and all persons have the right to appear before all courts if an act amounting to racial discrimination has been perpetrated against such person. If the court finds the claim to be just, then, as the Avoidance of Discrimination Act provides, the offender would on summary conviction be fined and/or imprisoned.

22. The Government of Ghana has shown a keen interest in the development of national culture in the country, and much work is being done to bring an awareness of the rich culture of the land, especially to the youth. Various groups from other countries, e.g. China, USSR, etc. have visited Ghana to perform and groups from Ghana, notably from the School of Performing Arts, have travelled widely to bring our culture to other races and other lands. Other groups helping to promote intra-national and intra-cultural understanding are groups such as the Ghana National Committee on Apartheid, the Ghana United Nations Students Association and the Ghana United Nations Association.

23. The media in Ghana play a leading role in the dissemination of information aimed at combating racial prejudices through the organization of television discussion programmes, radio commentaries and newspapers.

Article 7

24. The Education Act 1961 (Act 87) provides, under section 22, that "no person shall be refused admission to a school as a result of his religion, nationality, race or language or that of his parents".

25. The Ministry of Education has ensured that students throughout the country should be introduced to and made to appreciate the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration of the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.